

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GORDON LARRY AHENAKEW,
JR.,

Defendant.

CR 18-07-GF-BMM-JTJ

**FINDINGS AND
RECOMMENDATIONS**

I. Synopsis

Defendant Gordon Larry Ahenakew, Jr. (Ahenakew) has been accused of violating the conditions of his supervised release. Ahenakew admitted the alleged violation. Ahenakew's supervised release should be revoked. Ahenakew should receive a custodial sentence of time served, with 30 months of supervised release to follow.

II. Status

Ahenakew pleaded guilty to Assault Resulting in Serious Bodily Injury to an Intimate and Dating Partners on May 10, 2018. (Doc. 19). The Court sentenced Ahenakew to 15 months of custody, followed by 2 years of supervised release. (Doc. 37). Ahenakew's current term of supervised release began on June 11, 2019. (Doc. 40 at 1).

Petition

The United States Probation Office filed a Petition on November 2, 2020, requesting that the Court revoke Ahenakew's supervised release. (Doc. 40). The Petition alleged that Ahenakew had violated the conditions of his supervised release by failing to notify his probation officer of a change in residence.

Initial appearance

Ahenakew appeared before the undersigned for his initial appearance on December 15, 2020. Ahenakew was represented by counsel. Ahenakew stated that he had read the petition and that he understood the allegations. Ahenakew waived his right to a preliminary hearing. The parties consented to proceed with the revocation hearing before the undersigned.

Revocation hearing

The Court conducted a revocation hearing on December 15, 2020. Ahenakew admitted that he had violated the conditions of his supervised release by failing to notify his probation officer of a change in residence. The violation is serious and warrants revocation of Ahenakew's supervised release.

Ahenakew's violation is a Grade C violation. Ahenakew's criminal history category is II. Ahenakew's underlying offense is a Class D felony. Ahenakew could be incarcerated for up to 24 months. Ahenakew could be ordered to remain

on supervised release for up to 24 months, less any custody time imposed. The United States Sentencing Guidelines call for a term of custody of 4 to 10 months.

III. Analysis

Ahenakew's supervised release should be revoked. Ahenakew should received a custodial sentence of time served, with 30 months of supervised release to follow. This sentence is sufficient but not greater than necessary.

IV. Conclusion

The Court informed Ahenakew that the above sentence would be recommended to United States District Judge Brian Morris. The Court also informed Ahenakew of his right to object to these Findings and Recommendations within 14 days of their issuance. The Court explained to Ahenakew that Judge Morris would consider a timely objection before making a final determination on whether to revoke his supervised release and what, if any, sanction to impose. Ahenakew stated that he wished to waive his right to object to these Findings and Recommendations, and that he wished to waive his right to allocute before Judge Morris.

The Court **FINDS:**

That Gordon Larry Ahenakew, Jr. violated the conditions of his supervised release by failing to notify his probation officer of a change in residence.

The Court **RECOMMENDS:**

That the District Court revoke Ahenakew's supervised release and commit Ahenakew to the custody of the United States Bureau of Prisons for a term of time served, with 30 months of supervised release to follow.

**NOTICE OF RIGHT TO OBJECT TO FINDINGS AND
RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO OBJECT**

The parties may serve and file written objections to the Findings and Recommendations within 14 days of their entry, as indicated on the Notice of Electronic Filing. 28 U.S.C. § 636(b)(1). A United States district court judge will make a de novo determination regarding any portion of the Findings and Recommendations to which objection is made. The district court judge may accept, reject, or modify, in whole or in part, the Findings and Recommendations. Failure to timely file written objections may bar a de novo determination by the district court judge, and may waive the right to appear and allocute before a district court judge.

DATED this 16th day of December, 2020.


John Johnston
United States Magistrate Judge